

REMARKS

Reconsideration and allowance of this application are respectfully requested.

I. Summary of Final Office Action

Claims 155-177 are pending, with claims 159-160, 175 remaining withdrawn due to a previously set forth restriction requirement.

Claims 155-158, 161-174, 177 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement

Claim 177 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 155, 158, 161-165, 169-172, 176-177 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Hellerich (US 3,854,347).

Claims 156, 157, 168 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hellerich in view of Taylor et al (WO 93/23687).

Claims 166-167, 173-174 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hellerich*.

II. Analysis of § 112 Rejection

The Examiner alleges that the following underlined phrase in the last wherein-clause of claim 155 is new matter not supported by the specification, and it is not readily apparent what this frequency is.

wherein said mobile unit is arranged to be freely movable within said non-magnetic hollow tube by centrifugal force generated by rotation of said disk such that the center of gravity of said self-compensating dynamic balancer moves to be located opposite to the center of gravity of said disk with respect to said rotation axis when an angular frequency of the disk is greater than a natural frequency of the disk player.”

In this Amendment, Applicant amends the claim by incorporating another wherein-clause based on page 12, lines 4-12 of the specification as shown below:

wherein the natural frequency of the deck plate is determined by an elastic modulus of buffering members of the disk player and mass of the deck plate and other elements to be installed on the deck plate, and represents a rate of vibration in a horizontal direction, and ...

With the above amendment, Applicant respectfully submits that the rejection should be withdrawn.

In rejecting claim 177 under 35 U.S.C. § 112, second paragraph, the Examiner simply alleges that the metes and bounds of this claim cannot be readily ascertained.

Applicant respectfully submits that the Examiner has not pointed out how the metes and bounds of the claim cannot be readily ascertained. This claim is characterized by describing how the claimed self-compensating balancer is configured when mounted to a member rotated by the rotational force provided by a spindle motor. Thus, there is no reason that the Examiner determines that the claim is indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

Therefore, Applicant respectfully requests withdrawal of the rejection of claim 177 in this respect.

III. Analysis of § 102 Rejection

In rejecting claim 155, the Examiner appears to determine that the claimed apparatus is not distinguishable from Hellerich in terms of a structure aspect rather than a functional aspect. The Examiner also maintains the position that the functional aspect of claim 155 is an inherent result of the freely movable bodies within the hollow member which is alleged to be taught by Hellerich.

Applicant, however, submits that even though the rotational position of the mass members 52 of *Hellerich* may be alleged to tend to dynamically balance the disk pack when the disk pack rotates, the reference is still silent about a specific CG location of a balancing device based on the CG of a disk and a rotation axis. The reference does not teach a specific condition of such balancing of the disk pack in rotation. While there could always be different kinds of balancing schemes including that of the reference, the claimed balancer is specifically configured to arrange the mobile unit to move such that, when an angular frequency of the disk is greater than a natural frequency of the disk player, the CG of the balancer moves to a location opposite to the CG of the disk with respect to the rotation axis. By contrast, *Hellerich* does not teach whether its balancing device is configured to function as specifically recited in the claim, while the reference simply asserts that the theory upon which the dynamic balancing device operates is well known to those skilled in the mechanical vibration art. The reference fails to provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teaching of the reference. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). In other words, even though Hellerich may teach a dynamic balancing device with a tube with mass members which may generate a balancing effect, it fails to teach a structure to generate a specific balancing scheme as recited in

the claimed balancer.

Furthermore, claim 155 is now amended by incorporating: (i) another wherein-clause as discussed above in the Analysis of § 112 Rejection; and (ii) the features of claim 177, which is now canceled by this Amendment. Applicant submits that these additional aspects of the claim also distinguish the claimed apparatus from the reference.

Therefore, Applicant respectfully submits that claim 155 would not have been anticipated by *Hellerich*.

At least due to their dependencies, claims 156-158, 161-174 and 176 should be allowable.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373
CUSTOMER NUMBER

Date: October 31, 2007